

REMARKS

Claims 35 and 43 have been amended, and claims 40 and 47 cancelled without prejudice. These amendments are believed to place the claims in condition for immediate allowance, and thus Applicants respectfully request that they be entered after final. (See MPEP 714.12; 37 CFR 1.116(b).)

Claims 35, 38-43, 45 and 46-49 have been rejected as unpatentable over Braun et al., US patent application serial no. 2004/0154112 ("Braun '112") in view of various secondary references (paragraphs 2, 4 and 5 of the office action.) With regard to these rejections, Applicants note that Braun '112 could only qualify as a reference under 35 U.S.C. § 102(e). But at the time the claimed invention was made, the subject matter of Braun '112 and the claimed invention were subject to an obligation of assignment to the same entity (The Gillette Company). Thus, Braun '112 cannot preclude patentability under 35 U.S.C. § 103. (See, e.g., 35 U.S.C. §103(c) and MPEP 706.02(1)(1).) Applicants therefore request that these rejections under 35 U.S.C. §103(a) be withdrawn.

Claims 35, 37-39 and 43-46 have also been rejected as unpatentable over Weihrauch in view of Brown. Claims 35 and 43 have been amended to include the language of claims 40 and 47, which are not subject to this rejection, and thus Applicants believe that this rejection has been obviated by the present amendment.

It is believed that no fees are due with this submission. Please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 00216-616001.

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Respectfully submitted,

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